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No. 80-1890

IN THE SUPREME COURT OF THE UNITED STATES

October Term, 1980

NIKOLAAS "KALLIE" KNOETZE, PETITIONER

V.

UNITED STATES OF AMERICA, ET AL,

ON PETITION FOR A WRIT OF CERTIORARI TO
THE UNITED STATES COURT OF APPEALS FOR
THE FIFTH CIRCUIT

REPLY TO BRIEF FOR THE RESPONDENTS IN OPPOSITION

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NIKOLAAS "KALLIE" KNOETZE, PETITIONER,

VS.

UNITED STATES OF AMERICA

REPLY TO BRIEF FOR THE RESPONDENTS IN OPPOSITION

POINTS IN DISPUTE

Respondent claims on page 4 of its Reply for the Respondents in Opposition, subparagraph 1:

> "...it is undisputed that, prior to the Secretary's decision to revoke petitioner's visa, petitioner learned of the Secretary's proposed action and filed suit in the district court to obtain injunctive relief." (Emphasis added)

This is a misstatement of fact for the purpose of trying to imply that the petitioner usurped jurisdiction of the matter from the Secretary by his action in filing suit in District Court and that, therefore, any requirement for a fair hearing was satisfied by the District Court.

What is undisputed is the fact that the Secretary had made his decision prior to the petitioner learning of it and that the Secretary had failed to deliver that decision in writing prior to leaking it to the press. The only conceivable motive could have been that the Secretary intended that the Petitioner receive actual notice at the last possible minute foreclosing any action by him and thereby preventing him from engaging in his boxing match with Sharkey. This is a motive that should have been completely irrelevant to the Secretary's consideration of the matter given the state of the record of the State Department and the reasons contained in the letter of revocation, both of which are void of any reference to contacts with Jesse Jackson, et al or any consideration of the United States foreign policy concerning apartheid in South Africa.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that five copies of the foregoing has been furnished to Gloria C. Phares, Attorney, Department of Justice, Washington, D.C. 20530.

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